

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 452

SENATE BILL NO. 2062

(Government and Veterans Affairs Committee)
(At the request of the State Historical Society)

AN ACT to create and enact a new subdivision to subsection 2 of section 12-60-24 and section 55-01-12 of the North Dakota Century Code, relating to criminal history record checks by the state historical society for volunteers and final applicants for employment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

³²³ **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The state historical society for volunteers and final applicants for employment, except that criminal history record checks need not be made unless requested by the society.

SECTION 2. Section 55-01-12 of the North Dakota Century Code is created and enacted as follows:

55-01-12. Criminal history record checks.

The state historical society may require any volunteer or final applicant for employment to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24.

Approved March 23, 2021

Filed March 24, 2021

³²³ Section 12-60-24 was also amended by section 1 of House Bill No. 1073, chapter 98, section 2 of House Bill No. 1073, chapter 98, section 18 of House Bill No. 1247, chapter 352 section 1 of House Bill No. 1253, chapter 164, section 1 of Senate Bill No. 2110, chapter 218, section 1 of Senate Bill No. 2131, chapter 378, section 1 of Senate Bill No. 2174, chapter 447, section 1 of Senate Bill No. 2187, chapter 323, and section 1 of Senate Bill No. 2338, chapter 379.

CHAPTER 453

HOUSE BILL NO. 1285

(Representatives Boschee, P. Anderson, Dobervich, Kasper, M. Ruby)
(Senators Dever, Marcellais, Oban)

AN ACT to create and enact two new sections to chapter 55-01 of the North Dakota Century Code, relating to a commission for the commemoration of the two hundred fifty years since America's founding; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 55-01 of the North Dakota Century Code is created and enacted as follows:

America 250 commission.

1. The America 250 commission within the state historical society is comprised of members appointed under this subsection. The head of each of the following departments and entities shall select one member to represent the department or entity, and the state historical society may invite other persons to join the America 250 commission or select representatives to join the commission:
 - a. State historical society;
 - b. Department of veterans' affairs;
 - c. Department of public instruction;
 - d. Indian affairs commission;
 - e. State library;
 - f. North Dakota council on the arts;
 - g. North Dakota humanities council;
 - h. North Dakota state society daughters of the American revolution;
 - i. North Dakota tourism division of the department of commerce;
 - j. Parks and recreation department;
 - k. Office of the governor;
 - l. Office of each United States senator representing North Dakota; and
 - m. Office of the United States representative representing North Dakota.

2. The representative of the state historical society shall serve as the chairman of the commission, and the state historical society shall provide staff support for the commission.

SECTION 2. A new section to chapter 55-01 of the North Dakota Century Code is created and enacted as follows:

Powers and duties of the commission - Continuing appropriation.

1. The America 250 commission has exclusive authority to represent this state in official dealings with the America 250 foundation and the United States semiquincentennial commission.
2. The commission may accept gifts, grants, and donations from public and nonpublic sources and may expend or invest any funds the commission receives. Any funds accepted by the commission are appropriated to the state historical society on a continuing basis for the purpose of supporting the commission's lawful activities.
3. The commission may coordinate and engage in semiquincentennial initiatives proposed or undertaken by any public or nonpublic person and may initiate or propose semiquincentennial activities in or for this state.
4. The commission shall:
 - a. Develop and promote plans for statewide recognition of the two hundred fifty years since America's founding;
 - b. Identify statewide and local community partners to provide local opportunities for public discussion regarding the founding of our nation and the subsequent two hundred fifty years; and
 - c. Identify prominent locations to display a replica of the liberty bell.

Approved April 19, 2021

Filed April 20, 2021

CHAPTER 454

SENATE BILL NO. 2093

(Government and Veterans Affairs Committee)
(At the request of the Parks and Recreation Department)

AN ACT to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to parks and recreation charges for services; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-05 of the North Dakota Century Code is amended and reenacted as follows:

55-08-05. Charges for services.

The director may provide special services within state parks, state campgrounds, state recreation areas, and reserves; provide special technical assistance services; and make rules for the use of those services. The director shall establish and cause to be collected charges, fees, and rentals for the use of all special services, and shall revise the same, when necessary, in the manner that the revenue derived will be sufficient to pay the cost of providing each service and to pay the principal of and interest on all bonds issued for projects furnishing the facilities for the services, and to maintain a reserve for the security of the bonds. The director may waive the collection of charges, fees, and rentals for the use of special services by health care-related charitable organizations conducting group camp activities without charge to participants. However, the director shall waive the collection of charges, fees, and rentals for the use of all special services by any care-related charitable organization sponsoring or conducting summer group camp activities without charge for fourteen days for children from age eight through age fourteen who have diabetes. Nothing in this section requires the director to provide camp services if the camp facilities are otherwise closed due to adverse administrative or fiscal impacts upon the department. Specifically, the director may:

1. Provide special parking space for automobiles or other motor-driven vehicles in any state park or state recreation area.
2. Provide special parking spurs and campgrounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for the space according to the daily rate which must be determined and fixed by the director consistent with the type of facility provided for the accommodation of visitors in any particular park and with similar facilities offered for tourist camping in the area.
3. Charge a fee for entrance to any pageant grounds created in any state park, state recreation area, or reserve for the purpose of having historical or other pageants conducted by the agent of any authorized agency.
4. Provide water, sewer, and electric service to trailer or tent campsites and buildings and structures included in projects authorized by the legislative assembly.

5. Provide facilities and allow for the sale to the public of food, nonintoxicating beverages, ~~except~~ beer and wine sales as provided in ~~subsection~~subsection 6 and 7, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the use of food vendors or the lease of the buildings, structures, and facilities to a concessionaire to be operated on the terms and compensation basis as the director determines to be in the best interest of the state. The duration of a concession agreement may not exceed twenty years. A bond must be required of each concessionaire in the amount the director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.
6. Allow the sale of beer and wine by operating concessionaires on property leased to the department by the United States department of the army, ~~corps of engineers under the management of the director~~, if the concessionaire ~~also obtains~~holds the appropriate local and state retail licenses or an event permit required or authorized by section 5-02-01 chapter 5-02.
7. ~~Allow the sale of on-sale beer and wine by operating, liquor-licensed concessionaires for fourteen events per year on property under the management of the director which borders the Missouri River and which is within fifteen miles [24.14 kilometers] of a city with a population in excess of twenty thousand, if the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.~~
8. Charge and collect motor vehicle permit fees in the amounts prescribed by the legislative assembly, which fees are and must be imposed for the sole purposes of paying capital costs of projects required to provide the special services herein described and referred to, and of meeting the principal and interest and reserve requirements of bonds issued to finance such projects.
- 9.8. Charge a fee for providing special technical assistance to groups requesting information from the natural heritage inventory database.
- 10.9. Allow the sale of advertising in parks and recreation publications. The director may make rules regarding advertisement contracts and charges, space availability, and content.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 16, 2021

Filed April 16, 2021

CHAPTER 455

HOUSE BILL NO. 1357

(Representative Paulson)

AN ACT to amend and reenact sections 55-08-06 and 55-08-07 of the North Dakota Century Code, relating to permits for entry to state parks; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-06 of the North Dakota Century Code is amended and reenacted as follows:

55-08-06. Permits for motor vehicles.

1. Unless authorized by the director, a motor vehicle may not enter or be permitted to enter any state park, state recreational area, or reserve unless the operator of the motor vehicle displays upon request a permit issued as provided in this chapter. Permits must be of a size, form, and character as the director prescribes, and the director shall procure permits for each calendar year which by appropriate language must grant permission to use any state park, state recreational area, or reserve.
2. Permits for each calendar year must be provided and placed on sale on or before November first next preceding and used on or at any time after that date until May first of the year following the calendar year for which issued. Permits in each category must be numbered consecutively for each year of issue. ~~Except for senior citizen discounts, a~~
3. ~~A fee of thirty-five;~~
 - a. ~~Thirty-five dollars must be charged for each~~the first annual permit issued to a permitholder under subsection 2, except that permits;
 - (1) ~~Permits~~ of appropriate special design may be sold individually at a maximum of seven dollars per permit covering the use of state parks, state recreational areas, or reserves under such conditions as the director may prescribe for a designated period of not more than three days. ~~The; and~~
 - (2) ~~The~~ director may authorize a discount on the sale of annual permits to any resident of North Dakota who is sixty-five years of age or older and who applies for a discount.
 - b. ~~Twenty dollars must be charged for a second annual permit issued to a permitholder under subsection 2, which only may be used by members of the permitholder's household, except the director may authorize a discount on the sale of a second or subsequent annual permit to any resident of North Dakota who is sixty-five years of age or older and who applies for a discount.~~

4. The fees collected must be deposited in the state park operating fund in the state treasury, unless authorized by the director as follows:
 1. a. The director may allow other agencies or organizations that have leased state parks, state recreational areas, reserves, or facilities to retain entrance and special permit fees collected by the lessee.
 2. b. The director may exempt all or any part of any state park, state recreational area, or reserve from the requirement of the motor vehicle permit and fee, for any activity or period, when in the director's judgment it is desirable to do so; provided, however, that no further exceptions may be made after state park revenue bonds are issued and while the bonds are outstanding.

SECTION 2. AMENDMENT. Section 55-08-07 of the North Dakota Century Code is amended and reenacted as follows:

55-08-07. State park fund - Appropriation.

All revenues collected as permit fees, admissions, use charges, rentals, compensation for concession agreements, or otherwise, with the exception of revenue from bequests, trusts, or gifts, and with the exceptions noted in ~~subsections 1 and 2~~ subdivisions a and b of subsection 4 of section 55-08-06, must be placed in the state park fund, together with all proceeds of bonds issued pursuant to section 55-08-08. This fund must be maintained by the state treasurer as a special trust fund and is irrevocably appropriated and must be used and disbursed solely for the following purposes:

1. To pay the current cost of furnishing each special service provided in accordance with this chapter. For this purpose the charges, fees, and rentals for each service must be credited to a special operating account, from which must be paid only the current, reasonable, and necessary cost of operating that service, determined in accordance with accepted accounting practice, including the purchase price of merchandise and utilities sold and the compensation of employees necessarily attributable to the furnishing of that service. The director may incur no operating cost for any building, structure, or facility leased, and the leases must provide for the payment of the costs by the lessee and for the payment of a net rental in addition to the costs. No lease rentals and no motor vehicle permit fees may be credited to operating accounts.
2. To provide for the payment and security of the principal and interest when due on any state park revenue bonds issued under section 55-08-08. For this purpose the treasurer shall credit to a special service account within the state park fund, as received, all bond proceeds, all motor vehicle permit fees and all rental payments by lessees, and all net income remaining in the operating account for each special service at the end of each month, in excess of the costs of operation thereof which are then payable or are to become due and payable within one month, and shall transfer from this fund and account to the revenue bond fund described in section 55-08-09, whenever necessary, so much of the revenues then on hand as may be required to produce a balance in the revenue bond fund equal to the interest due and to become due within eighteen months plus the principal due and to become due within twenty-four months thereafter on all outstanding series of the bonds.

3. To finance the acquisition, construction, reconstruction, improvement, betterment, or extension of the department's properties, for projects within state parks, state campgrounds, state recreation areas, and reserves including the acquisition of land and water, the erection of buildings and structures, and the improvement of properties held in trust for or leased by the state, as authorized by the legislative assembly. For this purpose the director shall authorize the disbursement of bond proceeds and revenues received in the fund. However, a disbursement may not be made in excess of the amounts of revenue bonds issued and other funds granted or appropriated and received for this purpose, and no disbursements may be made at any time when the balance in the revenue bond fund is less than specified in subsection 2.
4. For any other purpose for which funds have been appropriated by the legislative assembly to the parks and recreation department. A disbursement may not be made at any time when the balance in the revenue bond fund is less than specified in subsection 2.

Approved March 23, 2021

Filed March 24, 2021

CHAPTER 456

HOUSE BILL NO. 1097

(Government and Veterans Affairs Committee)
(At the request of the Parks and Recreation Department)

AN ACT to amend and reenact section 55-08-07.2 of the North Dakota Century Code, relating to the state parks gift fund; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-07.2 of the North Dakota Century Code is amended and reenacted as follows:

55-08-07.2. State parks gift fund - Fund use - Continuing appropriation - Emergency commission and budget section approval.

There is established in the state treasury a special fund designated as the state parks gift fund. The director may seek and accept any gift, private grant, trust, bequest of money, or donation of funds to the gift fund for the purpose of furthering the objectives of the parks and recreation department. All donations to the parks and recreation department in the form of gifts, private grants, trusts, and bequests of money that would cause the department to exceed its appropriated spending authority, or donation of funds, and any interest accruing thereon, must be placed in the state parks gift fund and is hereby appropriated to the department on a continuing basis. The fund may be used and disbursed by the parks and recreation department, with the approval of the state emergency commission, in accordance with the terms of the donation as determined by the director, except any expenditure in excess of fifty thousand dollars from funds the donor has not designated or conditioned the use of for a specific purpose is subject to approval by the emergency commission and the legislative assembly or the budget section if the legislative assembly is not in session. Any request considered by the budget section must comply with section 54-35-02.9. The department shall notify the office of management and budget biennially regarding the current amount of moneys in the fund and any expenditures from the fund in the past biennium.

Approved March 9, 2021

Filed March 10, 2021